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RUEHBS/AMEMBASSY BRUSSELS IMMEDIATE 1236
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DEPARTMENT FOR S/CT, EUR/SE, AND EUR/AGS

E.O. 12958: DECL: 07/20/2017
TAGS: PREL PTER PGOV KTFN AU TU
SUBJECT: AUSTRIA OFFERS LAME EXCUSES FOR RELEASE OF RIZA
ALTUN (C)

Classified By: Charge d'Affaires Scott F. Kilner for reasons 1.4 (b) and (d).

Summary

¶1. (S) Following an initial run-around with GoA bureaucrats, the Minister of Justice's Chief of Staff, Albin Dearing, briefed the Charge and Acting EconPol Counselor July 19 on the Riza Altun case. Dearing acknowledged that there had been an internal GoA communication breakdown, as Austrian police had not notified the MoJ until seven days after Altun was taken into custody. However, Dearing defended the GoA's decision to release Altun and send him to northern Iraq, claiming the GoA could not legally extradite Altun to Turkey. Dearing also claimed that the French had not demonstrated a serious interest in Altun, although he later admitted that French law enforcement officials had attempted to intervene to keep Altun in Austria.

¶2. (S) Charge strongly criticized the GoA for its handling of the case, noting that Altun was a key figure in the PKK, an entity which the EU had designated as a terrorist organization. Dearing ultimately conceded to the Charge, and also to the Turkish Ambassador in a separate meeting, that the decision to release Altun had been a political one, agreed upon jointly by the Ministries of Justice, Interior, and Foreign Affairs. Dearing indicated that Austria did not want to create security problems for itself, nor did it want to be at the center of a international PKK controversy in the immediate run-up to Turkey's crucial July 22 national elections.

¶3. (S) The Turkish Ambassador to Austria, Selim Yenel, told Charge on July 20 that Turkey would continue to express its strong displeasure with the GoA bilaterally and at the UN. Yenel noted that the GoA actions had created a terrible precedent, with the PKK now viewing Austria as a safehaven, or at the least, as a safe passage out of Europe. Chief of Staff Dearing also expressed anxiety that Austrian Airlines' Vienna-Erbil route could increasingly become the main channel for PKK travel between Europe and Northern Iraq. End

Summary.

Initial Contact with GoA: The Run-around

¶4. (S) Following initial news of Riza Altun's release and subsequent flight to northern Iraq, various embassy offices approached working level contacts in the Austrian Intelligence Service (BVT), Ministry of Justice, and Ministry of Foreign Affairs to request clarification of the facts surrounding the Altun case. Ralph Scheide, Head of the MFA's Middle East and Africa Department (A/S-level) told Charge on July 17 that the decision to release Altun had been "a matter of the independent judiciary." Austria had released Altun because it would not have been able to extradite him to Turkey based on fears of political persecution, for the same reasons that France had not extradited Altun. Scheide pointedly refused any follow-up questions, indicating, as did our BVT and working level MoJ contacts, that we should address further inquiries at "the MoJ's political level."

The Facts According to the Austrian Ministry of Justice

¶5. (S) On July 18, the MoJ's Chief of Staff, Albin Dearing, met with the Charge at the Embassy to attempt to explain GoA actions/non-actions. Austrian authorities had detained Altun at Vienna Schwechat Airport on July 4, as he attempted to board an Austrian Airlines flight to Erbil, Iraq. Dearing speculated that French law enforcement had tipped off the Austrian police that Altun was traveling on falsified documents. Altun was taken to a police holding facility on the outskirts of Vienna.

¶6. (S) Dearing maintained that only on July 11, seven days after Altun's arrest, had Austrian police notified the Ministry of Justice that they were holding Altun. A subsequent check indicated that France had offered Altun "territorial asylum," which entailed subsidiary protection by

the French Ministry of Interior. Dearing said that the MoJ then notified the GoF (on July 12) via EUROJUST that Austrian authorities were holding Altun. Simultaneously, the MoJ contacted Altun's lawyer in Paris to request Altun's dossier.

When Charge pressed Dearing why the GoA did not contact French Government authorities for information on Altun, Dearing claimed that dealing with the private law firm "sped up the process." On July 13 -- less than 24 hours after the message to EUROJUST and prior to the receipt of any reply from France -- Altun was released and put on an Austrian Airlines flight to Erbil (with the help of an Austrian NGO, see paragraph 12). Dearing confirmed that the MoJ received a French arrest warrant on July 16.

Why the Austrian Let Altun Go--Officially

¶7. (S) Dearing said that an Austrian court released Altun, "because there would be no possibility of extraditing him to Turkey." According to Dearing the falsified documents charge was minor, requiring only an administrative fine. Dearing argued that the GoF had demonstrated no interest in having Altun returned to France, implying that French authorities had been aware of Altun's travels, initially to Brussels, and then on to Vienna. (Note: Later in the conversation, Dearing admitted that "French police" had contacted the Austrian MoI on July 13 to request that the GoA not send Altun to Iraq. However, the Erbil flight had already departed. End Note) Dearing defended the MoJ's action, claiming the MoJ had not been aware of any French criminal proceedings against Altun and that the GoF had made no effort to inform Austria of that fact. While acknowledging the existence of a Turkish Interpol arrest warrant for Altun, Dearing nonetheless claimed that Austrian law prohibited Altun's extradition to Turkey.

Charge: Unanswered Questions Remain

¶8. (S) Charge stressed that the USG was frustrated and

extremely disappointed by the GoA's decision to allow Altun to leave Austria. Altun was a key PKK figure, in effect the PKK's "Chief Financial Officer." Moreover, the EU had designated the PKK as a terrorist organization, placing an obligation on Member States to act against PKK leaders.

¶9. (S) Charge highlighted several other points that remained unclear: Why had the GoA contacted Altun's lawyer for information on the case, rather than the GoF? If the original tip-off on July 4 had come from France, why hadn't Austrian authorities followed up in more detail with Paris? Why had the GoA sent Altun off to Iraq less than 24 hours after its initial request to the GoF for more information? The GoA had held Altun for nine days; certainly it could have waited a little longer for a reply from the GoF. When dealing with terrorists, governments should err on the side of caution.

The Real Reason Austria Let Altun Go: It's Politics

¶10. (S) Dearing reiterated that the MoJ had not been aware of any outstanding criminal case against Altun. He conceded that there had been "an inexplicable breakdown in communication" between the police holding Altun and the MoJ. Forty-five minutes into the conversation, Dearing then all but admitted that the decision to allow Altun to leave had been a political one. The MoJ, he said, had consulted with senior levels of the MFA and MoI on the case, with the MoI stating that it had "security concerns," regarding Altun's remaining in Austria. Dearing further stated that with high-stakes Turkish elections on July 22, the GoA did not want to find itself at the center of an international PKK controversy and give nationalist Turkish politicians an issue in the last days of campaigning.

Turkish Ambassador: "Austria Chickened Out"

¶11. (S) Charge followed up with Turkish Ambassador Selim Yenel on July 20 to compare notes. (Comment: Yenel enjoys an extremely high reputation in Vienna as one of Turkey's best diplomats. End Comment) Yenel said that Dearing had also visited the Turkish Embassy on July 19 (a few hours before seeing Charge) to explain GoA actions. Yenel confirmed that Dearing had given him essentially the same account, but offered several additional insights. First, Altun had apparently requested political asylum in Austria, when Austrian police first apprehended him. However, the Austrian authorities denied his claim because Altun already had received "territorial asylum" from France.

¶12. (S) In addition, according to Yenel, the Austrian court that released Altun had requested an Austrian NGO, the Austrian Association for Human Rights (AAHR), to arrange for Altun's onward travel to Iraq. (Note: The MoI finances the AAHR. Other Austrian NGOs have criticized the AAHR for its perceived objectives of convincing asylum seekers to return to their home countries. End Note)

¶13. (S) Yenel confirmed that the GoA had not given the Turkish Embassy an informal heads-up that Altun had been detained until it was too late to do anything. Despite this infuriating behavior, Yenel said that senior Austrian MFA officials had contacted the Turkish Embassy, hoping that the situation could subsequently be put behind them. Yenel said he responded that, no, the GoT was still extremely upset with Austria's actions, particularly its refusal to keep the Turkish Embassy informed on the case.

¶14. (S) Yenel speculated that some Austrian and/or French entities, i.e., law enforcement and intelligence agencies, had probably wanted Austrian authorities to continue holding Altun. However, in Yenel's view, the GoA political level had "chickened out" and taken a calculated decision to set Altun free. Similar to his comments to Charge, Dearing had told

Yenel that Austria did not want to have any negative attention in the run-up to the Turkish elections. Yenel characterized the Austrian actions as "playing with fire." Altun's release had set a dangerous precedent, signaling that Vienna could serve as a safe haven, or at the least, as safe passage between Europe and northern Iraq.

¶15. (S) Yenel said that the GoT had already demarched the Iraqi Government in Ankara and Baghdad requesting Altun's extradition. Turkey would also take up the issue at the UN. Yenel stressed that the GoT would remind the GoA of its displeasure with the Altun case at every appropriate encounter, including when Foreign Minister Plassnik visits Turkey in the autumn. Yenel said the GoT would appreciate a similar approach from the USG.

Press Coverage

¶16. (SBU) Coverage of the Altun case in Austrian press was initially very sparse, limited to one short article on his release and flight to Iraq. The press focused on a French angle, speculating that many in France were not unhappy that Altun had fled to Iraq. However, there was broader coverage in July 20 editions, with the primary focus on Turkey's indignation at Altun's release. Yenel confirmed to us that he had given an off-the-record backgrounder for Austrian press on July 19, which served as the basis for increased coverage.

Comment

¶17. (S) The Austrian Government's handling of this case speaks for itself. End Comment.

Kilner